

Ordinance No.:
Subdivision Regulation Amend. No.: 10-01
Concerning: Public Utility Easements –
Urban Roads
Revised: 4/1/10; Draft No. 1
Introduced: April 13, 2010
Public Hearing:
Adopted:
Effective:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Elrich

AN AMENDMENT to the Subdivision Regulations to:

Prohibit public utility easement along urban roads under certain circumstances.

By amending

Montgomery County Code
Chapter 50, Subdivision of Land
Section 50-40, Public utilities

| | |
|------------------------------|--|
| Boldface | <i>Heading or defined term.</i> |
| <u>Underlining</u> | <i>Added to existing law by original bill.</i> |
| [Single boldface brackets] | <i>Deleted from existing law by original bill.</i> |
| <u>Double underlining</u> | <i>Added by amendment.</i> |
| [[Double boldface brackets]] | <i>Deleted from existing law or the bill by amendment.</i> |
| * * * | <i>Existing law unaffected by bill.</i> |

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. Section 50-40 is amended as follows:**

2 **Sec. 50-40. Public utilities.**

3 (a) General. Pipelines, electric power and energy transmission and distribution
4 lines and cables, and telephone and telegraph lines and cables [shall] must be
5 underground in a subdivision where the preliminary subdivision plan is filed
6 subsequent to June 6, 1967.

7 (b) Unless the Planning Board determines that the resulting building setbacks
8 would be appropriate, a public utility easement on a record plat must not be
9 required if the easement would abut an urban road as defined by Chapter 49
10 Section 32(c)(1).

11 (c) Installation. Underground installation shall be required but not limited to a
12 total of six (6) or more buildings in a subdivision. Temporary overhead lines
13 [shall] must be permitted for any total of less than six (6) buildings in a
14 subdivision.

15 ~~[(c)]~~(d) * * *

16
17 **Sec. 2. Effective date.** This ordinance takes effect 20 days after the date of
18 Council adoption.

19
20 *Approved:*

21
22
23 _____
Isiah Leggett, County Executive

Date

24
25 *This is a correct copy of Council action.*

26
27
28 _____
Linda M. Lauer, Clerk of the Council

Date